

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

WRITTEN OPINION
(PCT Rule 66)

To:

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Applicant's or agent's file reference
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REPLY DUE **within 3 month(s)**
from the above date of mailing

International application No.
PCT/EP 03/13100

International filing date (day/month/year)
21.11.2003

Priority date (day/month/year)
21.11.2003

International Patent Classification (IPC) or both national classification and IPC
F41A17/06

Applicant
ARMATIX GMBH ET AL.

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 21.03.2006

Name and mailing address of the international preliminary examining authority:



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AP20 Rec'd PCT/PTO 18 MAY 2006

WRITTEN OPINION

International application No. PCT/EP 03/13100

I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-10 as originally filed

Claims, Numbers

1-23 as originally filed

Drawings, Sheets

1/2-2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1-13, 21-23
Inventive step (IS)	Claims	14-20
Industrial applicability (IA)	Claims	

2. Citations and explanations**see separate sheet**

**WRITTEN OPINION
SEPARATE SHEET**

International application No. PCT/EP 03/13100

Re Item V**Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

- 1 The following objections will be raised in the present communication:

The present application does not meet the requirements of Article 6 PCT, because the subject-matter of claims 19-20 is not clear.

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1-13 and 21-23 is not new in the sense of Article 33(2) PCT.

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 14-20 does not involve an inventive step in the sense of Article 33(3) PCT.

- 2 Reference is made to the following documents:

D1: US2001032405 A

D2: US5192818 A

D3: US6301815 B

- 3 The present application does not meet the requirements of Article 6 PCT, because the subject-matter of claims 19-20 is not clear.

According to the requirements of Rule 10.2 PCT, the terminology shall be consistent throughout the application. This requirement is not met in view of the use of the expression "Safety means according to..." in claims 19-20 whereas "Safety device according to" is used in the other claims.

Therefore the expression "Safety means according to..." should be replaced by "Safety device according to" in order to solve the present clarity problem.

- 4 The present application does not meet the criteria of Article 33(1) PCT, because the

subject-matter of independent claim 1 is not new in the sense of Article 33(2) PCT. The document D1 discloses (the references in parentheses applying to this document) a safety device for a hand-held weapon (10) (abstract) with the following features:

- (a) a transponder (86) for authenticating at least one authorized weapon user carrying or wearing the transponder (86) or for authenticating an allowed area for using the weapon (10) (paragraph 46),
- (b) wherein the transponder (86) is adapted to emit a wireless preferably cryptified signal (paragraph 46);
- (c) a safety means (38+68+72+62) for a grip of the weapon (10) which is adapted to be necessarily activated by a hand of the user when the hand is holding the grip of the weapon (10) and which upon activation emits a wireless request signal (paragraphs 43,46),
- (d) wherein the transponder (86) is adapted to emit the authenticating signal upon receipt of the request signal from the safety means (38+68+72+62) (paragraph 46),
- (e) wherein the safety means (38+68+72+62) is further adapted to receive and process the authenticating signal from the transponder (86) (paragraph 46); and
- (f) wherein the safety means (38+68+72+62) is adapted to only permit firing of the weapon (10) by the user upon receipt of an authenticating signal from the transponder (86) authenticating an authorized user (paragraph 46).

5 Dependent claims 2-22 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty or inventive step, the reasons being as follows:

- 5.1 The features of dependent claims 2-4 are known from D1 (paragraphs 39,43,45,46; fig.1).
- 5.2 The features of dependent claim 5 are known from D1 (paragraph 50).
- 5.3 The features of dependent claims 6-7 are known from D1 (paragraphs 43,45,46).
- 5.4 The features of dependent claim 8-10 are known from D1 (paragraphs 46,48,50).
- 5.5 The features of dependent claims 11-13 are known from D1 (paragraph 46).

- 5.6 The features of dependent claim 14 are suggested by the combination of D1 and D2 (abstract).
- 5.7 The features of dependent claims 15-16 are suggested by D1 (paragraphs 46,68).
- 5.8 The features of dependent claim 17 are suggested by the combination of D1 and D3 (col,1, l.58-col.2, l.4).
- 5.9 The features of dependent claims 18-20 are suggested by D1 (paragraphs 46,68).
- 5.10 The features of dependent claim 21 are known from D1 (paragraph 47, fig.1).
- 5.11 The features of dependent claim 22 are known from D1 (paragraph 68).
- 6 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of independent claim 23 is not new in the sense of Article 33(2) PCT.

The document D1 discloses (the references in parentheses applying to this document) a method for securing a hand-held weapon (10) with the following steps:

- (a) providing a transponder (86) which is adapted to emit a wireless preferably cryptified authenticating signal which authenticates at least one authorized weapon user or authenticates an allowed area for using the weapon (10) (paragraph 46),
- (b) activating a safety means (38+68+72+62) for a grip of the weapon (10) by a hand of the user when the hand is holding the grip of the weapon (10) and emitting upon activation a wireless request signal by the safety means (38+68+72+62) (paragraphs 43 and 46),
- (c) emitting the authenticating signal by the transponder (86) upon receipt of the request signal from the safety means (38+68+72+62) (paragraph 46),
- (d) wherein the safety means (38+68+72+62) is further adapted to receive and process the authenticating signal from the transponder (86) (38+68+72+62) (paragraph 46); and
- (e) wherein the safety means (38+68+72+62) is adapted to only permit firing of the weapon (10) by the user receipt of an authenticating signal from the transponder (86) authenticating an authorized user (paragraph 46).